



## **LEGISLATIVE SERVICES**

<b>TO:</b>	Council	
<b>DATE:</b>	July 20, 2021	<b>DIVISION:</b> All
<b>FILE:</b>	N/A	<b>APPLICATION:</b> N/A
<b>SUBJECT:</b>	Term of Appointment for the Chief and Deputy Chief Elected Officials	

### **POLICY DIRECTION:**

Section 159(1) of the *Municipal Government Act* provides that chief elected officials who are appointed from amongst the councillors are to be appointed annually at each organizational meeting, unless otherwise provided by bylaw.

Section 152(1) of the *Municipal Government Act* states that municipalities must appoint a deputy chief elected official in such a manner as to keep the position filled at all times, but does not provide for a default term of appointment.

Sections 14 and 15 of the *Procedure Bylaw* provide for the appointment of the chief and deputy chief elected officials on an annual basis. Rocky View County's chief and deputy chief elected officials are currently referred to as the Reeve and Deputy Reeve. On October 18, 2021, these titles will change to Mayor and Deputy Mayor pursuant to *Electoral Boundaries and Composition Bylaw C-8077-2021*.

### **EXECUTIVE SUMMARY:**

At the May 11, 2021 Council meeting, Administration was directed to investigate and report on potential amendments to the *Procedure Bylaw* to increase the term of appointment for the chief elected official from one year to two years.

Administration subsequently sought a legal opinion on the matter to ensure that any amendments would be legislatively compliant with the *Municipal Government Act*. The legal opinion stated that an amendment to the *Procedure Bylaw* would be sufficient.

Administration, therefore, has prepared an amendment to the *Procedure Bylaw* for Council's consideration. In addition to extending the term of appointment for the chief elected official from one year to two years, the proposed bylaw also does the following:

- Provides for a one-year term of appointment for the deputy chief elected official to align with the County's current practice of appointing the position on an annual basis;
- Changes all references to the "election" of the chief and deputy chief elected official to the "appointment" of those positions to reflect and clarify that they are appointed by Council under the *Municipal Government Act*; and
- Amends all references to the Reeve and Deputy Reeve to Mayor and Deputy Mayor throughout the bylaw to align with the *Electoral Boundaries and Composition Bylaw C-8077-2021*.

These amendments would come into effect on October 18, 2021, which is the date of the next municipal election. This is also when the County's new electoral boundaries and council composition come into effect.

### **Administration Resources**

Tyler Andreasen, Legislative Services  
Erin McGuire, Legislative Services



## **ADMINISTRATION RECOMMENDATION:**

Administration recommends approval in accordance with Option #1.

## **BACKGROUND:**

### Chief Elected Official Term of Appointment

Section 159(1) of the *Municipal Government Act* states that the chief elected official must be appointed at each organizational meeting, which must be held on an annual basis. This requirement results in the default term of appointment for the chief elected official being one year.

Administration was directed by Council on May 11, 2021 to investigate the possibility of extending the term of appointment for the chief elected official. The direction provided by Council did not include the desired term of appointment, but the discussion at the meeting involved a two-year term of appointment. Administration, therefore, prepared the amendment for a two-year term.

Any changes to the term of appointment must be made by bylaw pursuant to section 159(1) of the *Municipal Government Act*. The *Procedure Bylaw* currently governs the election of the Reeve, Deputy Reeve, and other organizational meeting business. The proposed amendments, therefore, would be to the *Procedure Bylaw*.

### Deputy Chief Elected Official Term of Appointment

Section 152(1) of the *Municipal Government Act* does not provide a default term of appointment for the deputy chief elected official and only requires that the position remain filled at all times. The proposed amendments to the *Procedure Bylaw* leaves the term of appointment at one-year for the deputy chief elected official.

If Council wishes to extend or reduce this term of appointment, an additional amendment would be required to the *Procedure Bylaw* to state the desired term length. There are also other methods of appointing the deputy chief elected official, such as providing for a rotating schedule with councillors switching on a monthly, quarterly, or other established basis.

### Title Change from Reeve and Deputy Reeve to Mayor and Deputy Mayor

On October 27, 2020, Council passed *Electoral Boundaries and Council Composition Bylaw C-8077-2020*, which will realign the County's electoral boundaries, reduce the number of councillors from nine to seven, and change the title of the Reeve and Deputy Reeve to Mayor and Deputy Mayor. These changes come into effect on October 18, 2021.

The proposed bylaw would change all references to the Reeve and Deputy Reeve to the Mayor and Deputy Mayor in anticipation of these title changes, with an effective date of October 18, 2021.

### Appointment vs. Election of the Chief and Deputy Chief Elected Officials

Section 150 of the *Municipal Government Act* provides for two methods of determining the chief elected official, which are either through a vote of the electors or through appointment by Council. The County's chief elected official is determined by appointment.

However, section 17 of the *Procedure Bylaw*, which outlines the process for determining the chief and deputy chief elected official, uses the term "election" even though these positions are appointed. The County uses a secret ballot system to determine which councillors are appointed as the chief and deputy chief elected officials. However, the results of a secret ballot are not official until the appointments are confirmed by resolution of Council in accordance with section 185.1 of the *Municipal Government Act*.

The proposed bylaw, therefore, would make minor amendments to the language of the *Procedure Bylaw* to better reflect the language found in the *Municipal Government Act*. The proposed language



clarifies that council appoints the chief and deputy chief elected officials and that a secret ballot system is used to determine which councillors are appointed to these positions.

**BUDGET IMPLICATIONS:**

There are no budget implications with the proposed amendment.

**COMMUNICATIONS PLAN:**

Any changes made to the term of appointment of the chief or deputy chief elected officials will be communicated through the County's website.

**STRATEGIC OBJECTIVES:**

There are no strategic plan considerations with the proposed amendment.

**OPTIONS:**

- Option #1:                      Motion 1:              THAT Bylaw C-8123-2021 be given first reading.
- Motion 2:              THAT Bylaw C-8123-2021 be given second reading.
- Motion 3:              THAT Bylaw C-8123-2021 be considered for third reading.
- Motion 4:              THAT Bylaw C-8123-2021 be given third and final reading.
- Option #2:                      THAT alternative direction be provided.

Respectfully submitted,

Concurrence,

"Amy Zaluski"

"Kent Robinson"

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Director, Legislative Services

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Acting Chief Administrative Officer

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**ATTACHMENTS:**

ATTACHMENT 'A': Bylaw C-8213-2021